

Notice of Allowability

Application No.

09/854,798

Examiner

Alan T. Gantt

Applicant(s)

SIMONSSON, ARNE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/29/04.
2. ☒ The allowed claim(s) is/are 1-10,12-16,18-31,33-37 and 39-43.
3. ☒ The drawings filed on 14 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6/29/04 have been fully considered. Applicant has incorporated material previously indicated as allowable. However, after further examination it was felt that since the main reference, Laakso, deals with a method of controlling transmitted power that included measuring the packet load, combination with a reference dealing with certain specific packet queuing measurements would still meet applicant's claim. Thus, a new reference that did detect high load conditions by measuring latency of packet loads in the transmit queue (Denkert et al.) was discovered which also involved transmission power control. This reference largely meets applicant's claim limitation. In discussions with the attorney it was felt that incorporation of an additional dependent claim into the independent claims with other refinements that narrowed the claim as set forth in the examiner's amendment below, would further separate applicant's invention from the prior art and permit allowance of the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sidney Weatherford on 9/13/04. The application has been amended as follows:

IN THE CLAIMS

Claim 1, line 4, “on packet queue measurements;” has been changed to “on packet queue measurements; and wherein packet data load based on said queue measurements provide input to a power control algorithm that seeks to achieve a near optimal packet data rate and / or throughput for the cell by way of the following:”.

Claim 1, add after line 7 --measuring a radio link quality for said plurality of channels and adjusting said common transmitted power for any channel having a radio link quality measure outside a predefined quality window. --

Claim 17 (cancel)

Claim 18, line 1, “according to claim 17” has been changed to --according to claim 1--

Claim 10, line 1, “according to claim 17” has been changed to --according to claim 1--

Claim 20, line 1, “according to claim 17” has been changed to --according to claim 1--

Claim 21, line 1, “according to claim 17” has been changed to --according to claim 1--

Claim 22, add after line 11 --wherein said base station transceiver is configured to measure a radio link quality for said plurality of channels, and said power control algorithm is further configured to adjust said common transmitted power for an channel having a radio link quality measured outside a predefined quality window.

Claim 38 (cancel)

Claim 39, line 1, “according to claim 38” has been changed to --according to claim 22--

Claim 40, line 1, “according to claim 38” has been changed to --according to claim 22--

Claim 41, line 1, “according to claim 38” has been changed to --according to claim 22--

Claim 42, line 1, “according to claim 38” has been changed to --according to claim 22--

Allowable Subject Matter

Claims 1-10, 12-16, 18-31, 33-37, and 39-46 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding claims 1, 22, and 43, the examiner is in agreement with applicant's arguments as to the reasons for allowance that includes measuring a radio link quality for a plurality of channels and adjusting the common transmitted power for any channel having a radio link quality measured outside a predefined quality window.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Art Unit: 2684

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

Alan T. Gantt

September 18, 2004

Nick Corsaro
**NICK CORSARO
PRIMARY EXAMINER**